

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Mar 09, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

JESE DAVID CARILLO CASILLAS (2);  
BRITTNEY LEE ZARAGOZA (10);  
SALVADOR GUDINO CHAVEZ (11);  
EDGAR OMAR HERRERA FARIAS(16);  
ALFREDO MAGANA GARIBAY (18);  
JUAN BRAVO ZAMBRANO (19);  
MIGUEL REYES GARCIA (21); AND  
JOSE ADRIAN MENDOZA (23),  
  
Defendants.

No. 4:15-CR-06049-EFS-2  
4:15-CR-06049-EFS-10  
4:15-CR-06049-EFS-11  
4:15-CR-06049-EFS-16  
4:15-CR-06049-EFS-18  
4:15-CR-06049-EFS-19  
4:15-CR-06049-EFS-21  
4:15-CR-06049-EFS-23

**AMENDED<sup>1</sup> CASE MANAGEMENT ORDER**

A pretrial conference occurred in the above-captioned matter on March 6, 2018. Defendants Carillo Casillas (2), Zaragoza (10), Chavez (11), Herrera Farias (16), Garibay (18), Zambrano (19), Reyes Garcia (21), and Mendoza (23) were present, represented by counsel. Assistant U.S. Attorneys Stephanie Van Marter and Caitlin Baunsgard appeared on behalf of the U.S. Attorney's Office (USAO). At the hearing, the Court ruled on a number of suppression motions and granted Defendant Carillo Casillas' (2) Motion to Continue, ECF No. 684. The Court explained that because defense counsel Nicolas Vieth was recently appointed to represent Mr. Carillo Casillas, the Court would grant him – and him alone – leave to file pretrial motions

<sup>1</sup> This Order amends the deadlines in the Court's prior Case Management Orders, ECF Nos. 101, 258, 281, 308, 336, 340, 361, 370, 387, 428, 448, & 532.

1 on any subject before the next pretrial conference. The Court  
2 explained that all other defense counsel had ample opportunity to file  
3 pretrial suppression motions, and that future suppression motions  
4 would likely be stricken.

5 To ensure defense counsel are afforded adequate time to review  
6 discovery, prepare any pretrial motions, conduct investigation, and  
7 prepare for trial, the Court sets the following deadlines, extends the  
8 pretrial motion deadline, and continues the trial date. Given the  
9 designation of this case as a complex case – due to the number of  
10 Defendants and the substantial discovery involved – the Court finds  
11 that the continuance is necessary for adequate preparation by defense  
12 counsel. The Court further finds that the ends of justice served by  
13 granting a continuance outweigh the best interest of the public and  
14 all Defendants in a speedy trial. The delay resulting from the  
15 continuance is therefore excluded under the Speedy Trial Act as to all  
16 Defendants.

17 The Court now enters the following Amended Case Management  
18 Order. All counsel are expected to carefully read and abide by this  
19 Order and such provisions of the prior Case Management Orders, ECF  
20 Nos. 101, 258, 281, 308, 336, 340, 361, 370, 387, 428, 448, & 532,  
21 that have not been superseded hereby. The Court will grant relief from  
22 the requirements in this Order only upon motion and good cause shown.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Jese David Carillo Casillas' (2) Motion to Continue, **ECF No. 684**, is **GRANTED**.

2. Because the Court has granted Defendant Carillo Casillas' Motion to Continue, the United States' Motion for Extension of Time to File/Provide Disclosure and Grand Jury Transcripts, **ECF No. 654**, is **DENIED AS MOOT**.

3. The Court finds, given the complexity of this case and defense counsel's need for time to review discovery, prepare any pretrial motions, conduct investigation, and prepare for trial, that failing to grant a continuance would result in a miscarriage of justice and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(6), (7)(B)(i), (iii-iv). The Court, therefore, finds the ends of justice served by granting a continuance in this matter outweigh the best interest of the public and all Defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

4. **Original Case Management Order.** Counsel must review the procedures in the original Case Management Order, ECF No. 101 and abide by those procedures except for the new compliance deadlines in the following Summary of Amended Deadlines.

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1           **5.     Pretrial Conferences**

2           **A.**     A pretrial conference **IS SET** for **Tuesday, May 29,**  
3                   **2018, at 9:00 a.m. in Richland.** At this hearing, the  
4                   Court will hear **all motions in limine.**

5           **B.**     An additional pretrial conference **IS SET** for **Tuesday,**  
6                   **September 18, 2018, at 9:00 a.m. in Richland.**

7           **C.**     The final pretrial conference **IS SET** for **Wednesday,**  
8                   **October 10, 2018, at 9:00 a.m. in Richland.**

9           **D.**     All Pretrial Conferences are scheduled to last no  
10                  more than **30 minutes**, with each side allotted **15**  
11                  **minutes** to present their own motions and resist  
12                  motions by opposing counsel. If any party anticipates  
13                  requiring longer than 15 minutes, that party must  
14                  notify the Courtroom Deputy at least seven days prior  
15                  to the hearing. **Any party who fails to provide this**  
16                  **notice will be limited to 15 minutes.**

17          **6.     Trial.**     The March 26, 2018 jury trial **IS RESET** to  
18                   **Wednesday, October 10, 2018, at 10:00 a.m. in Richland.**

19          **7.**     Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i), (iii), and (iv),  
20                  the Court **DECLARES EXCLUDABLE** from **Speedy Trial Act**  
21                  **calculations** the period from **March 2, 2018**, the date  
22                  defense counsel moved to continue, through **October 10,**  
23                  **2018**, the new trial date, as the period of delay granted  
24                  for adequate preparation by counsel.

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1           **8.       Summary of Deadlines**

2	Rule 16 expert summaries produced to other parties and emailed to Court:	
3	USAO's Experts	November 3, 2017 (passed)
4	Defendants' Experts	November 10, 2017 (passed)
	USAO's Rebuttal Experts	November 17, 2017 (passed)
5	All <i>Daubert</i> motions filed	November 28, 2017 (passed)
6	Reciprocal discovery provided and supplemented	January 30, 2018 (passed)
7	All discovery and suppression motions filed	February 6, 2018 (passed)
8	<b>All motions in limine filed</b>	<b>April 27, 2018</b>
9	<b>Pretrial motions deadline as to Defendant Carillo Casillas (2) ONLY<sup>2</sup></b>	<b>April 27, 2018</b>
10	<b>PRETRIAL CONFERENCE</b>	<b>May 29, 2018</b>
11		<b>9:00 a.m. - Richland</b>
12	CIs' identities, <i>Giglio</i> disclosures, and willingness to be interviewed disclosed to Defendants (if applicable)	<b>August 31, 2018</b>
13	Grand jury transcripts produced to Defendants	<b>August 31, 2018</b>
14	<b>PRETRIAL CONFERENCE</b>	<b>September 18, 2018</b>
15	<b><i>Deadline for motions to continue trial</i></b>	<b>9:00 a.m. - Richland</b>
16	Exhibit & Witness lists filed and emailed to the Court	<b>September 27, 2018</b>
17	Notice of any witness likely to exercise Fifth Amendment rights and/or require appointed counsel filed with the Court	<b>September 27, 2018</b>
18	Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	<b>September 27, 2018</b>
19	Exhibits delivered to all other parties	<b>September 27, 2017</b>
20	Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	<b>September 27, 2018</b>
21	Trial notices filed with the Court	<b>September 27, 2018</b>
22	Exhibit binders delivered to the Court	<b>October 1, 2018</b>
23	Technology readiness meeting (in-person)	<b>October 1, 2018</b>

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26 <sup>2</sup> Because Nicolas Vieth, defense counsel for Defendant Carillo Casillas, was recently appointed, he is granted leave to file pretrial motions on any subject by no later than April 27, 2018.

